

## ORDINANCE #9

### Staff Report to the Weber County Commission

Weber County Planning Division

#### **Synopsis**

Application Information

**Application Request:** Public hearing to consideration and take action on a request to amend Title 104 (Zones);

> Chapter 5 (Agricultural-1); Section 7 (Site Development Standards); of the Weber County Land Use Code by reducing the minimum separation (setback) standard in between a main

building and an accessory structure.

Agenda Date:

Tuesday, April 22, 2014

Applicant:

Weber County Planning Division

File Number:

ZTA 2014-01

**Property Information** 

**Approximate Address:** 

Not Applicable

Project Area:

Not Applicable

Zoning:

Not Applicable

**Existing Land Use:** 

Not Applicable

**Proposed Land Use:** 

Not Applicable

Parcel ID:

Not Applicable

Township, Range, Section:

Not Applicable

Adjacent Land Use

North: Not Applicable South:

Not Applicable

East:

Not Applicable

West:

Not Applicable

Staff Information

Report Presenter:

Scott Mendoza

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Report Reviewer: SW

#### **Applicable Code**

Weber County Land Use Code Title 104 (Zones); Chapter 5 (Agricultural-1); Section 7 (Site Development Standards).

#### Background

The Weber County Planning Division is proposing an amendment to Title 104 (Zones); Chapter 5 (Agricultural-1); Section 7 (Site Development Standards); of the Weber County Land Use Code by reducing the minimum separation (setback) standard in between a main building and an accessory structure.

The Agricultural-1 (A-1) Zone requires a lot area of 40,000 square feet, a minimum lot width of 150 feet, and a variety of setbacks depending on what type of structure is being built. For an accessory structure, the A-1 Zone currently requires a minimum separation of 10 feet in between the rear facing wall of a main structure and the front facing wall of an accessory structure.

Separation standards only apply when a landowner chooses to site an accessory building in a side-yard area that is less than 10 feet from a side lot line. For example, a landowner may site an accessory structure as close as 1 foot to a side lot line if the accessory structure is placed at least 10 feet behind the rear facing wall of the main building. If a landowner prefers to site an accessory structure closer than 10 feet to the rear facing wall of the main building, (or to the side of the main building or in front of the main building) the accessory structure is required to be at least 10 feet from any side lot line. Generally, accessory structures have a 1 foot rear yard setback (10 foot otherwise if the subject lot is a corner lot rearing on the side yard of an adjacent lot) and all structures are required to be sited at least 30 feet from a front lot line.

This proposed amendment would change the current separation standard from 10 feet to 6 feet in the A-1 Zone. This change would make the separation standard consistent with the County's existing Agricultural-2 (A-2), Agricultural-3 (A-3), Agricultural Valley-3 (AV-3), Residential Estates (RE-15 and RE-20), and Single-Family Residential (R-1-10, R-1-12) Zones.

#### **Summary of Suggested Considerations**

- The County Commission may consider the benefits of having an accessory structure separation standard that is consistent throughout the County.
- The difference in between a 10 foot and 6 foot separation is largely unnoticeable from the public's realm, which is the area within the street right-of-way.

#### Western Weber Planning Commission Recommendation

The Western Weber County Planning Commission, on the evening of February 11, 2014, unanimously recommended approval of the proposed amendment to the Agricultural-1 (A-1) Zone.

#### **Planning Staff Recommendation**

Staff recommends approval of the proposed amendment to the Agricultural-1 (A-1) Zone.

#### Exhibits

A. Existing Agricultural-1 (A-1) Zone Development Standard Table with proposed amendment shown below:

|   | Permitted and Conditional Uses   | Permitted Uses Requiring 2 and 5 Acre<br>Minimums |
|---|--|---|
| Minimum Lot Area  | 40,000 square feet   | 2 acres – 5 acres                                 |
| Minimum Lot Width   | 150 feet   | 150 feet  |
| Minimum Yard Setbacks   |  |   |
| Front   | 30 feet  | 30 feet   |
| Side  |  |   |
| Dwelling  | 10 feet with total width of 2 side yards not less than 24 feet.  |   |
| Other Main Dwelling   | 20ft. each side  | 20ft. each side                                   |
| Accessory Building  | 10 feet; except 1 foot if located at least 10 6 feet in rear of main building.                           |   |
| Accessory Buildings Over 1,000 sqft. For Storage of Personal Equipment and Materials. | See Section 108-7-16.  |   |
| Side Facing Street on a Corner Lot.   | 20 feet  | 20 feet   |
| Rear  |  |   |
| Main Building   | 30 feet  | 30 feet   |
| Accessory Building  | 1 foot; except 10 feet where accessory building on a corner lot rears on a side yard of an adjacent lot. |   |
| Main Building Height  |  |   |
| Minimum   | 1 story  | 1 story   |
| Maximum   | 35 feet  | 35 feet   |
| Accessory Building Height   | 25 feet unless meeting requirements of Section 108-7-16, Large accessory buildings.                      |   |

An ordinance of Weber County amending Title 104 (Zones), Chapter 5 (Agricultural-1), Section 7 (Site Development Standards), of the Weber County Land Use Code by reducing the minimum separation (setback) standard in between a main building and an accessory structure.

WHEREAS, Weber County is interested in providing clarity and predictability in its Land Use Code; and

WHEREAS, This amendment changes the Agricultural-1 Zone's current accessory structure separation standard so that it is consistent with other zones in the County; and

**WHEREAS**, The Western Weber Township Planning Commission provided appropriate notice, held a public meeting on February 11, 2014, and has unanimously recommended approval of the proposed ordinance amendment; and

WHEREAS, The Board of County Commissioners of Weber County, Utah, after appropriate notice, held a public hearing on April 22, 2014 to allow the general public to comment on the proposed amendment; and

WHEREAS, The Board of County Commissioners of Weber County, Utah, find that the proposed amendment promotes the general welfare of the residents of the County and serves a beneficial purpose as it relates to administering the County's Land Use Code; and

NOW THEREFORE, The Board of County Commissioners of Weber County, State of Utah, ordains as follows:

#### Part 1 of 1

The Land Use Code of Weber County is hereby amended by reducing the minimum separation (setback) standard in between a main building and an accessory structure as presented below:

# TITLE 104 (ZONES) CHAPTER 5 (Agricultural-1) Section 7 (Site Development Standards)

#### Section 104-5-7. Site development standards.

The following site development standards apply to the Agriculture Zone A-1:

|   | Permitted and Conditional Uses  | Permitted Uses Requiring 2 and 5 Acre<br>Minimums |
|---|---|---|
| Minimum Lot Area  | 40,000 square feet  | 2 acres – 5 acres                                 |
| Minimum Lot Width   | 150 feet  | 150 feet  |
| Minimum Yard Setbacks   |   |   |
| Front   | 30 feet   | 30 feet   |
| Side  |   |   |
| Dwelling  | 10 feet with total width of 2 side yards not less than 24 feet.             |   |
| Other Main Dwelling   | 20ft. each side   | 20ft. each side                                   |
| Accessory Building  | 10 feet; except 1 foot if located at least 6 feet in rear of main building. |   |
| Accessory Buildings Over 1,000 sqft.<br>For Storage of Personal Equipment | See Section 108-7-16.   |   |

| 20 feet  | 20 feet                                     |
|--|---|
|  |   |
| 30 feet  | 30 feet                                     |
| 1 foot; except 10 feet where accessory building on a corner lot rears on a side yard of an adjacent lot. |   |
|  |   |
| 1 story  | 1 story                                     |
| 35 feet  | 35 feet                                     |
| 25 feet unless meeting requirements of Section 108-7-16, Large accessory building                        |   |
|  |   |
|  |   |
|  |   |
|  | 1 foot; except 10 feet wh  1 story  35 feet |

Passed, adopted, and a synopsis ordered published this 22nd day of April, 2014 by the Board of County (Weber County, Utah.

| Commissioner Gibson | Voting | \_\_\_\_\_ |
| Commissioner Zogmaister | Voting | \_\_\_\_\_ |
| Commissioner Bell | Voting | \_\_\_\_\_ |
| Kerry W. Gibson, Chair

ATTEST:

| Ricky Hatch, CPA | Weber County Clerk/Auditor